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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
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U S DISTRICT COURT E.D.N.Y.

★ AUG 24 2012 ★

BROOKLYN OFFICE

ORDER

11-MC-218 (NGG)

-----X  
IN RE APPLICATION OF DEBBIE GUSHLAK  
PURSUANT TO 28 U.S.C. § 1782 FOR THE  
TAKING OF DISCOVERY FOR USE IN A  
FOREIGN PROCEEDING

-----X  
NICHOLAS G. GARAUFIS, United States District Judge.

Before the court is a motion by Respondent Myron Gushlak to purge his contempt. (See Docket Entry # 112.) The court referred the motion to Magistrate Judge James Orenstein (see Docket Entry # 114), and Judge Orenstein has recommended that it be denied. (See Report and Recommendation ("R&R") of July 19, 2012; Minute Entry for Mot. Hr'g (Docket Entry # 118).) For the following reasons, Judge Orenstein's report and recommendation ("R&R") is ADOPTED in its entirety. Myron Gushlak's motion to purge his contempt is DENIED.

Myron Gushlak does not object to Judge Orenstein's recommendation that his motion be denied.<sup>1</sup> As such, the court reviews the R&R for clear error. See La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). The court has thoroughly reviewed the R&R and the transcript of related motion hearing (see App'x to Mem. in Opp'n to Objections (Docket Entry #

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<sup>1</sup> Myron Gushlak has made a submission styled an "APPEAL OF MAGISTRATE'S RECOMMENDATION REGARDING EXTRATERRITORIAL APPLICATION OF 28 U.S.C. § 1782; AND APPLICATION FOR RECIPROCAL DISCOVERY." (See Docket Entry # 125.) As can be gleaned from its title, however, the submission has nothing to do with Myron Gushlak's motion to purge his contempt or the R&R. Instead, it appears to be primarily a request for discovery, and an attack on comments made by Judge Orenstein while discussing with the parties Myron Gushlak's document production obligations in this litigation. Needless to say, an objection to an unrelated R&R is not a proper procedural vehicle for raising these arguments, and so the court has not considered them.


138-1)) and finds no clear error.

Accordingly, the R&R is ADOPTED. Myron Gushlak's motion to purge his contempt is DENIED.

SO ORDERED.

Dated: Brooklyn, New York  
August 24, 2012

s/Nicholas G. Garaufis

  
NICHOLAS G. GARAUFIS  
United States District Judge